

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON 25, D. C.

October 27, 1954
PRI:EA:pmb

DEPARTMENTAL CIRCULAR NO. 771

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: Reporting requirements under Executive Order No. 10550 of August 5, 1954.

1. Executive Order No. 10550 of August 5, 1954, amended Executive Order No. 10450 of April 27, 1953, relating to security requirements for government employment. Executive Order No. 10550 reads in part as follows:

"Section 14 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment is hereby amended as follows:

"1. The last sentence of subsection (a) thereof is amended to read:

'The Civil Service Commission shall report to the National Security Council, at least semi-annually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.'

"2. The following subsection is added at the end thereof:

'(c) To assist the Civil Service Commission in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Commission as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies

pursuant to this section shall be included in the reports which the Civil Service Commission is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection."

2. To comply fully with Section 14 of Executive Order 10450, as amended, it has been determined that the Commission will require a control file for all full field investigations of employees which are pending adjudication under Executive Order 10450. To establish and maintain this file it will be necessary that each department and agency furnish the Commission information: (a) concerning each employee case in which full field investigation has been adjudicated under Executive Order 10450 on August 6, 1954, and thereafter; (b) concerning each full field investigation on hand for review or adjudication under this order as of December 1, 1954; and, (c) concerning certain cases, described later in this letter, which will be forwarded for adjudication thereafter. Therefore, each department and agency is requested to observe promptly the following reporting requirements.

3. EMPLOYEE CASES INVESTIGATED BY FBI UNDER EXECUTIVE ORDER 9835 OR UNDER SECTION 8 (d) OF EXECUTIVE ORDER 10450.

Employee cases of this type should be decided in the shortest possible time since they usually involve the more critical questions of security.

a. Cases Investigated by FBI Under Executive Order 9835

The Civil Service Commission has furnished in recent months to each department and agency the names of the employees in the department or agency investigated by the Federal Bureau of Investigation under Executive Order 9835 who were currently on the rolls. Provision was made for reporting action on these cases to the Commission on CSC Form 384 (April 1954). This form will not be used for this purpose in the future. Instead, final action in these cases will be reported promptly to the Commission on CSC Form 384, revised October 1954. These cases should be inventoried promptly. Any differences between your records and the lists of cases furnished by the Commission should be reconciled by the department or agency concerned with the Commission within 30 days from the date of this letter.

b. Cases Investigated by FBI Under Section 8(d) of Executive Order 10450

The Commission has records of the date each case of this type was transmitted to a department or agency. Provision had

been made for reporting final action in these cases to the Commission on Form DI 436 (May 1954), or CSC Form 3746B. These forms will not be used for this purpose in the future. They will be replaced by Standard Form 73 which, when they are available, will be attached in the Commission to the reports of investigation for use in reporting final action. For cases on hand and cases received hereafter without card report forms attached, final action will be reported on Standard Form 72.

4. EMPLOYEE CASES INVOLVING FULL FIELD INVESTIGATIONS WHICH ARE PENDING ADJUDICATION UNDER EXECUTIVE ORDER 10450, ON DECEMBER 1, 1954.

For each of these cases the employing department or agency must prepare CSC Form 458 in duplicate and submit them to the Commission. This is required whether the investigation was conducted by the Commission or some other investigative agency. Cases described under Section 3 of this letter are not subject to this requirement. These records must be furnished to the Commission by December 15, 1954.

5. EMPLOYEE CASES INVOLVING FULL FIELD INVESTIGATIONS CONDUCTED BY AGENCIES OTHER THAN THE COMMISSION WHICH ARE RECEIVED FOR ADJUDICATION AFTER DECEMBER 1, 1954.

For each full field investigation made by an agency other than the Commission, there will be forwarded to the Commission Standard Form 74 in duplicate at the time the case is forwarded for adjudication. Agencies which receive full field investigations directly from the Federal Bureau of Investigation will prepare Standard Form 74 in duplicate, and forward them promptly to the Commission at the time the case is received in the agency. Cases described under Section 3 of this letter are not subject to this requirement.

When it is determined that supplemental investigation is required to resolve an issue in a case reported previously on CSC Form 458 or Standard Form 74, agencies which conduct their own full field investigations will forward to the Commission their copy of the CSC Form 458 or Standard Form 74, prominently noted to show that the case has been submitted for reinvestigation. When a supplemental investigation has been forwarded for adjudication, the agency will forward to the Commission Standard Form 74.

The Commission will prepare control records for full field investigations made by the Commission which are forwarded for adjudication on or after December 1, 1954.

6. FULL FIELD INVESTIGATIONS OF EMPLOYEES IN WHICH FINAL ACTION WAS TAKEN UNDER EXECUTIVE ORDER 10450 ON AUGUST 6, 1954, OR THEREAFTER.

For each case (except those described in Section 3(a) of this letter) in which final action has been taken during the period of

August 6, 1954, through November 30, 1954, the employing department or agency will immediately prepare Standard Form 72 and submit it to the Commission. For each case described in Section 3(a) of this letter in which final action has been taken during this period, the employing agency will immediately prepare CSC Form 384, revised October 1954, and submit it to the Commission. This requirement necessitates supplemental data for cases described in Section 3 of this letter in which final action was reported to the Commission during this period. This supplemental report is necessary because the previous reports of final agency action do not reflect the date on which the agency submitted the CSC Forms 384 (April 1954), or 3746B, or Form DI 436 (May 1954). When such supplemental reports are submitted, Standard Form 72 and CSC Form 384 (revised October 1954) will be prominently identified by the agency as "Supplemental Report."

Effective December 1, 1954, all full field investigations conducted by the Commission will be forwarded to the requesting agency with Standard Form 73. When final action in these cases has been taken, the departments and agencies will prepare the Standard Form 73 and submit it promptly to the Commission.

For full field investigations conducted by the Commission which were forwarded for adjudication prior to December 1, 1954, and in which final action is taken on or after that date, and for full field investigations conducted by agencies other than the Commission in which final action is taken on or after December 1, 1954, the employing agencies will prepare Standard Form 72 and submit it promptly to the Commission.

7. APPLICANT CASES INVOLVING FULL FIELD INVESTIGATIONS

A. Except as explained below in subparagraph B the report forms requested under sections 4, 5 and 6 of this letter are not required in cases involving applicants. However, if an applicant enters on duty prior to adjudication of his case, the employing agency must immediately notify the Commission of the appointment as follows:

- (1) In cases in which the investigation has been made by the Commission, or by the Federal Bureau of Investigation under Section 8(d) of Executive Order 10450, such notifications should be made by letter addressed to the Chief, Investigations Division, Bureau of Departmental Operations, Civil Service Commission, Washington 25, D. C.
- (2) In cases in which the investigation has been made by an agency other than the Commission, or other than by the Federal Bureau of Investigation under Section 8(d) of Executive Order 10450, such notifications should be effected by following the procedures prescribed in Section 5 or 6 of this letter, whichever is applicable.

B. In the past all applicant full field investigations conducted by the Federal Bureau of Investigation which were forwarded to the employing agencies by the Commission have had attached certain control and reporting cards. Effective December 1, 1954 these and certain applicant full field investigations conducted by the Commission will be sent to agencies with Standard Form 73 attached for use in reporting final action. This reporting requirement has no relation to the Executive Order 10550 reporting requirements outlined in this letter but it is essential for other administrative control and reporting purposes within the Commission.

8. MAINTENANCE OF COMMISSION CONTROL FILE

The control file will reflect those full field investigations on hand in each agency on which final action has not been taken within the 90-day period prescribed in Executive Order No. 10550. It is anticipated that in most cases final action, or action to suspend, will have been taken within 90 days of receipt of final report. However, if experience indicates that suspension or final action cannot be taken in 90 days in a substantial number of cases, consideration will be given to requiring a report on the status of each case that has been pending longer than 90 days.

If supplemental investigation is made, the control record card will be noted to show that the 90-day period begins to run on the date on which such investigation is forwarded for adjudication. The noting of these records will be automatic with respect to supplemental investigations received from or forwarded by the Civil Service Commission. (For supplemental investigations by agencies which conduct their own full field investigation, see the instructions in paragraph 5 of this circular.)

No special report by the agency will be required to inform the Commission of suspension action since this information will be noted on the control card maintained by the Commission when the report of personnel action, Standard Form 50, is received in the Commission.

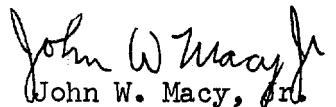
9. The reports required under these instructions should be submitted from one central point within each department and agency. Reports should not be submitted from subsidiary units within a department or agency. This will facilitate the reconciling of any discrepancies that may develop between the agencies' control records and the records maintained centrally by the Commission for reporting to the National Security Council.

10. In connection with the preparation of the records required under Sections 4, 5, and 6 of this letter, it is suggested that agencies which have not already done so, may wish to establish centralized control records. This may be accomplished, of course, by having extra copies prepared of the control cards required under Sections 4, 5, and 6 of this letter, and by having a control card prepared for each case of the type referred to in Section 3 of this letter.

11. Samples of CSC Forms 384 and 458 and Standard Forms 72, 73 and 74 are attached for your information. Supplies of the CSC Forms will be available November 15, 1954 on request to the United States Civil Service Commission, Washington 25, D. C., Attention: Investigations Division, (Telephone: Code 141, Extension 4322). Supplies of Standard Forms 72 and 74 should be available November 22, 1954 at which time they may be obtained from the Federal Supply Service, General Services Administration, through the usual channels.

12. Questions regarding this letter should be directed to the United States Civil Service Commission, Washington 25, D. C., (Telephone: Code 141, as follows:

- (a) General reporting or procedural requirements - Extension 3861 - 5007.
- (b) Submission of control cards and reconciliation of Executive Order 9835 lists - Extension 4322).


John W. Macy, Jr.
Executive Director

Attachments: Samples of CSC Forms 384 and 458, and
Standard Forms 72, 73 and 74.

Distribution: 3 copies to headquarters of agencies only.
1 copy to agency Personnel Security Officers.
1 copy to each central office bureau director,
division chief, and staff official.
3 copies to Commission regional offices.